IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14070 of 2004

Between:

K.Subbarao, s/o Veeranna, r/o Vankavarigudem (V), Jeelugumilli (M), West Godavari District.

..... PETITIONER

AND

1 Superintendent of Police, Eluru, West Godavari District.
2 Station House Officer, Jeelugumilli Police Station,
Jeelugumilli, West Godavari District.
3 Mandal Revenue Officer, Jeelugumilli (M), West Godavari District.
4 T.Venkateswararao,
r/o Ramannapalem (V), Jeelugumilli (M), West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of respondents 1 to 3 in not protecting the person and property of the petitioner admeasuring Ac.33.55 cents covered by Sy.Nos.21/2, 22/2, 24/1, 24/2, 25 and 21/1B of Ramannapalem Village, Jeelugumilli Mandal, West Godavari District inspite of the report submitted by the petitioner on 6-7-2004 without taking any action against 4th respondent and his mob followers is illegal, irregular and highhanded and violative of Art.14, 19, 21 and 300A of the Constitution of India and also in contravention of Provisions of Sec.145 to 154 of Code of criminal Procedure 1973 and consequently direct the respondents 1 to 3 to protect the life and said property of the petitioner from being encroached by the 4th respondent or like elements

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA
Counsel for the Respondent Nos.1 to 3: GP FOR HOME
Counsel for the Respondent No.4: --

The Court made the following:

ORDER:

This writ petition is filed questioning the alleged inaction on the part of respondents 1 to 3 in initiating any action on the basis of the complaint made by the petitioner dated 06.07.2004.

The petitioner states that he is the absolute owner and possessor of the land to an extent of Ac.33.55 cents situated in Survey Nos.21/2, 22/2, 24/1, 24/2, 25 and 21/1B of Ramannapalem village, Jeelugumilli Mandal, West Godavari District, which is notified as a scheduled area. It is alleged that the fourth respondent has been highhandedly interfering with the petitioner's possession and obstructing his agricultural operations, and in the circumstances, on 06.07.2004 he lodged a complaint with the Station House Officer, Jeelugumilli Police Station, West Godavari District, second respondent herein. The petitioner also states that the Mandal Revenue Officer, Jeelugumilli (M), West Godavari District, having conducted an enquiry submitted a report on 08.07.2004 to the second respondent stating that as per the orders of the Special Deputy Collector(Tribal Welfare), KR Puram, dated 29.08.2000, the petitioner and his sons are the owners of the land in question and they are in possession and enjoyment of the same. The only grievance of the petitioner is that inspite of the report furnished by the Mandal Revenue Officer, the second respondent failed to take any action on his complaint dated 06.07.2004.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for respondents 1 and 2.

Having regard to the facts and circumstances of the case, I am of the view that it would be appropriate to dispose of the writ petition with a direction to the second respondent to consider the complaint of the petitioner dated 06.07.2004 in the light of the report of the Mandal

Revenue Officer dated 08.07.2004, and take appropriate steps in accordance with law expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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10.08.2004

Note: Furnish CC in two days.

(b/o)

VGB

To

1 The Superintendent of Police, Eluru, West Godavari District.
2 The Station House Officer, Jeelugumilli Police Station, Jeelugumilli, West Godavari District.
3 The Mandal Revenue Officer, Jeelugumilli (M), West Godavari District.
4 2CCs to the Government Pleader for Home, High Court Buildings, Hyderabad (OUT)

5 2CD copies